

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

STEPHEN MULLICAN and
KELLEY MULLICAN,

Plaintiffs,

v.

STATE FARM FIRE AND
CASUALTY COMPANY,

Defendant.

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Case No. CIV-23-160-G

JOINT MOTION FOR EXTENSION OF SCHEDULING ORDER DEADLINES

Plaintiffs Stephen Mullican and Kelley Mullican and Defendant State Farm Fire and Casualty Company (the “Parties”) jointly request that the Court issue an Order extending deadlines in the above-styled case by approximately sixty (60) days. In support of this Joint Motion, the parties state as follows:

1. A Scheduling Order [ECF No. 13] was entered in this case on May 10, 2023.
2. Since that time, the parties have exchanged written discovery, produced documents, and have scheduled the depositions of Plaintiff Stephen Mullican and Plaintiff Kelley Mullican. Additionally, the parties are in the process of scheduling other necessary fact and expert witness depositions, including relevant claim-handling persons identified by Plaintiffs. The parties have also engaged in and believe they have completed nonparty written discovery.
3. The parties have worked diligently and in good faith to complete written discovery and depositions—including by conferring and reaching agreement regarding

various document disputes to keep from needing to brief such issues for the Court's resolution. However, the Parties do not believe they will be able to complete necessary discovery under the current deadlines due to accidental and unforeseen scheduling mistakes which the parties' counsels have worked in good faith together to remedy without needing to burden the Court. Additionally, at least two nonparty witnesses who need to be deposed have indicated that they are not available until January 2024—which is after the dispositive motion deadline. This unavailability is not the fault of the parties, and it has arisen despite Defendant's counsel contacting the nonparties in what counsel believed would be ample time to schedule the depositions in 2023.

4. This is the first request to extend scheduling order deadlines in this case. No prior requests have been submitted by either party. This joint request for extension is sought in good faith and is not intended to delay, but rather to aid in the prompt, effective resolution of this matter, and to allow the parties additional time to complete discovery and work together towards a resolution of this litigation. Indeed, the parties currently are engaged in communications about the potential resolution of this case via settlement which they are both optimistic regarding.

5. The following chart provides the current unexpired Scheduling Order [ECF No. 13] dates together with proposed deadlines:

Event	Current Deadline	Proposed Deadline
Expert Opinion Witness Lists and Materials	<u>Plaintiffs:</u> 11/20/2023 <u>Defendant:</u> 21 days thereafter	<u>Plaintiffs:</u> 1/19/2024 <u>Defendant:</u> 21 days thereafter
Witness and Exhibit Lists	<u>Plaintiffs:</u> 12/5/2023 <u>Defendant:</u> 14 days thereafter	<u>Plaintiffs:</u> 2/3/2024 <u>Defendant:</u> 14 days thereafter
Objections to Exhibits	14 days thereafter	14 days thereafter
Dispositive and <i>Daubert</i> Motions Filed	1/2/2024	3/2/2024
Discovery to Conclude	2/1/2024	4/1/2024
Designation of Deposition Testimony	3/11/2024	5/10/2024
Objections to and Counter Designations of Deposition Testimony	3/18/2024	5/17/2024
Objections to Counter Designations of Deposition Testimony	3/25/2024	5/24/2024
Submission to Court of Depositions to be Used at Trial	4/1/2024	5/31/2024
Submission to Court of Proposed Orders on Objections to Deposition Designations and Counter Designations	4/1/2024	5/31/2024
Final Pretrial Report	3/11/2024	5/10/2024
Pretrial Submissions	3/11/2024	5/10/2024
Objections to Pretrial Submissions	3/18/2024	5/17/2024
Trial Docket	4/9/2024	6/8/2024

6. A proposed Order granting the requested approximately-sixty-day extension is being contemporaneously submitted to the Court.

Respectfully Submitted,

s/ Terry McKeever

(Submitted by filing attorney with
permission of above-indicated attorney)

Terry McKeever, OBA # 21751

S. Alex Yaffe, OBA # 21063

Foshee & Yaffe Law Firm

P.O. Box 890420

Oklahoma City, OK 73189

Telephone: (405) 632-6668

Facsimile: (405) 632-3036

ay@fylaw.com

tmm@fylaw.com

***Attorneys for Plaintiffs Stephen Mullican
and Kelley Mullican***

s/ Peyton S. Howell

Andrew J. Morris, OBA # 31658

Peyton S. Howell, OBA # 33917

McAfee & Taft A Professional Corp.

Eighth Floor, Two Leadership Square

211 North Robinson Ave.

Oklahoma City, OK 73102

Telephone: (405) 235-9621

Facsimile: (405) 235-0439

andrew.morris@mcafeetaft.com

peyton.howell@mcafeetaft.com

***Attorneys for Defendant State Farm
Fire and Casualty Company***